

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Benjamin J. Hill,

Civil No. 15-3323(DSD/BRT)

Petitioner,

v.

**ORDER**

State of Minnesota,

Respondent.

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Benjamin J. Hill, Sherburne County Jail, 13880 Business Center Drive, Elk River, MN 55330, pro se plaintiff.

Matthew Frank, Esq., Minnesota Attorney General's Office, counsel for Department of Corrections.

Jean Marie Whitney, Esq., Minnesota Department of Corrections, counsel for Department of Corrections.

The above matter is before the Court upon the Report and Recommendation of United States Magistrate Judge Becky R. Thorson dated September 25, 2015. No objections have been filed to that Report and Recommendation in the time period permitted. Based on the Report and Recommendation of the Magistrate Judge, on all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

**IT IS HEREBY ORDERED** that:

1. Petitioner's habeas corpus petition (Doc. No. 1) is DENIED;
2. This action is DISMISSED WITHOUT PREJUDICE;

3. Petitioner's IFP application (Doc No. 4) is denied as moot; and
4. Petitioner is NOT granted a Certificate of Appealability.

Date: October 21, 2015

s/David S. Doty  
David S. Doty, Judge  
United States District Court